महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम, १९६६
कलम ३७ (१अेअे) अन्वये बृहन्मुंबई विकास नियंत्रण नियमावली १९९१ मधील नियम ३३ (१०) मध्ये करावयाच्या फेरबदलाबाबतची सूचना,

महाराष्ट्र शासन
नगर विकास विभाग,

शासन क्रमांक : डिसीआर १०९५/१२०९/सीआर-१५१/२०११/नवि-११,
मंत्रालय, मुंबई : ४०० ०३२,
दिनांक : ३१ डिसेंबर २०११.

शासन निर्णय :- सोबतची सूचना शासन असाधारण राजपत्रात प्रसिध्द करण्यात यावी.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नांवाने.

(सुरेश काकाणी)
सह सचिव, महाराष्ट्र शासन.

प्रति,

प्रधान सचिव, गृह निर्माण विभाग, मंत्रालय, मुंबई : ४०० ०३२.
महानगर आयुक्त, मुंबई महानगर व प्रदेश विकास प्राधिकरण, मुंबई.
महापालिका आयुक्त, बृहन्मुंबई महानगरपालिका, मुंबई.
मुख्य कार्यकारी अधिकारी, म्हाडा, गृह निर्माण भवन, वांद्रे (पूर्व), मुंबई : ४०० ०५१.
मुख्य अधिकारी, मुंबई इमारत दुरुस्ती व पुनर्रचना मंडळ, गृह निर्माण भवन, वांद्रे (पूर्व), मुंबई : ४०० ०५१.
मुख्य अधिकारी, झोपडपट्टी पुनवर्सन प्राधिकरण, प्रशासकिय इमारत, अनंत काणेकर मार्ग, वांद्रे (पूर्व)
संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे.
सह सचिव, नगर रचना, नगर विकास विभाग, मंत्रालय, मुंबई.
उपसंचालक, नगर रचना, बृहन्मुंबई, मुंबई.
प्रमुख अभियंता (वि.नि.), बृहन्मुंबई महानगरपालिका, मुंबई.
व्यवस्थापक, शासकीय मध्यवर्ती मुद्रणालय, चर्नीरोड, मुंबई.
(त्यांना विनंती करण्यांत येते की, सोबतची सूचना महाराष्ट्र शासनाचे असाधारण राजपत्रात भाग-१ मध्ये प्रसिध्द करण्यात येऊन त्याच्या प्रत्येकी ३५ प्रती नगर विकास विभाग, (नवि-११), मंत्रालय, मुंबई : ४०० ०३२ व उपसंचालक, नगर रचना, एन्सा हटमेंट, आझाद मैदान, ई ब्लॉक, महापालिका मार्ग, मुंबई ४०० ००१.
कक्ष अधिकारी (संगणक कक्ष)(नवि-२९), नगर विकास विभाग, मंत्रालय, मुंबई : ४०० ०३२,
(त्यांना विनंती करण्यांत येते की, सोबतची सूचना विभागाच्या वेबसाईटवर प्रदर्शित करण्याबाबत आवश्यक ती कार्यवाही करावी.)
निवडनस्ती (नवि-११).

NOTICE

Maharashtra Regional & Town Planning Act, 1966.

- **Notice under section 37 (1AA) of the said Act.**
- **Proposed modification to Regulation 33(10) of DCR for Gr. Mumbai.**

GOVERNMENT OF MAHARASHTRA
Urban Development Department,
Mantralaya, Mumabi 400 032.
Dated 31st December 2011

No. DCR-1095/1209/CR-151/2011/UD-11:

Whereas, the Development Control Regulations for Greater Mumbai, 1991 (hereinafter referred to as "the said Regulations") have been sanctioned by the Government in the Urban Development Department, under section 31(1) of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as "the said Act") vide Notification No. DCR 1090/RDP/UD-11, dated the 20th February, 1991 to come into force with effect from the 25th March, 1991.

And whereas, the Government of Maharashtra vide Notification of Housing and Special Assistance Department No. SRP 1095/CR-37/ Housing Cell dated 16th December, 1995 had appointed the "Slum Rehabilitation Authority" (hereinafter referred to as "the said Authority") under the Maharashtra Slum Areas (Improvement, Clearance & Redevelopment) Act, 1971, for the purpose of slum rehabilitation in Brihan Mumbai;

And whereas, according to the provisions of the clause (19) of section 2 of the said Act, the said Authority is the Planning Authority in respect of Slum rehabilitation areas for the purpose of implementation of slum Rehabilitation Scheme in Brihan Mumbai;

And whereas, the Government of Maharashtra in the Urban Development Department vide Notification No. DCR 1095/1209/CR-273/95/UD-11, Dated the 15th October 1997 which is published in the Government of Maharashtra Gazette, dated the 15th October 1997 at page 104 to 133-A, has sanctioned the modification to Regulations 33 (10) and 33(14) of the said Regulations for effective

implementation of slum Rehabilitation Scheme which have come into force with effect from the 15th October 1997;

And whereas, the Government of Maharashtra in the Urban Development Department, vide Notification No. DCR 1095/1209/CR-273/95/UD-11, dated 30/11/2002, has further modified Regulation 33(10) under section 37(2) of the said Act, (hereinafter referred to as "the said modified regulation");

And whereas, the State Government in the Housing Department intends to rehabilitate the slum dwellers who have been residing continuously for at-least one year in protected structure as per the provisions of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 and orders issued thereunder.

And whereas, Government finds it is necessary to modify certain provisions of the said modified regulation, as mentioned in column (4) of the Schedule appended hereto (hereinafter referred to as "the said proposed modification"),

And whereas, the State Government is satisfied that in the public interest it is necessary to carry out urgently a modification to certain provisions of the said modified regulation;

Now therefore, a draft of modification, which the State Government proposes to make in exercise of the powers conferred by sub-section (1AA) of section 37 of the said Act; and of all other power enabling it in this behalf, is hereby published as required by clause(a) of sub-section (1AA) of section 37, for information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration by the Government of Maharashtra after the expiry of one month from the date of publication of this notice in the Government of Maharashtra Gazette;

Any objection or suggestion, which may be received by the Deputy Director of Town Planning, Greater Mumbai having his office at ENSA Hutments, E-Block, Azad Maidan, Mahapalika Marg, Mumbai 400 001, within the said period will be dealt with in accordance with the provision of the said sub-section (1AA);

The existing regulations which are proposed to the modified and the provisions proposed in the said regulations on the date of issue of this notice are as specified in columns (3) and (4) respectively, of the Schedule:-

SCHEDULE
PROPOSED MODIFICATION

Sr. No.	Rule No.	Existing provision	Proposed provision
(1)	(2)	(3)	(4)
1	33(10) I(a)	I. Eligibility for redevelopment scheme; (a) For redevelopment of slums including pavements, whose inhabitants' names and structures appear in the electoral roll prepared with reference to 1st January, 1995 or a date prior thereto, but where the inhabitants stay at present in the structure, the provisions of Appendix IV shall apply on the basis of a tenement in exchange for an independently numbered structure.	I) Eligibility for redevelopment Scheme :- (a) For this purpose, a person eligible for redevelopment scheme shall mean a protected occupier as defined in chapter I-B of Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 and orders issued thereunder.
	33(10) II(vi)	(vi) A structure shall mean all the dwelling areas of all persons who were enumerated as living in that one numbered house in the electoral roll of the latest date, upto 1st January, 1995 and regardless of the number of persons, or location of rooms or access.	(vi) A structure shall mean all the dwelling area of a protected occupier as defined in Chapter I-B of Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 and orders issued thereunder.
	33(10) Appendix-IV Clause No.1.5	1.5 A certified extract of the relevant electoral roll shall be considered adequate evidence to establish the eligibility of a person provided he is found residing in the structure. This is to	1.5 The eligibility of a person including transferees under a scheme of Slum redevelopment shall be established in accordance with

		avoid the possibility of persons who have left the structure coming back to claim free tenement under the scheme even though they have in the normal course left the slum and gone away into a proper non-slum area or out of Brihan Mumbai. If hutment dwellers are found resident in the structure, but the names are on the electoral roll on or prior to 1st January, 1995 at another slum/pavement site in Brihan Mumbai, they shall be considered eligible but only at the place of present residence. In case of doubt or dispute, the decision of the Competent Authority to be appointed by the Government in Housing and Special Assistance Department shall be final and binding on all the parities concerned.	Chapter I-B of Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 and orders issued thereunder.
	33(10) Appendix-IV Clause No.1.9	1.9 Transfer of Photopasses- Since only the actual occupant at present will be eligible for redevelopment, there shall be no need to regularize the transfers of photopasses that have occurred so far. A photopass will be given after the new tenement has been occupied	To be deleted.
	33(10) Appendix-IV Clause No.1.10	1.10. Any persons whose name is enrolled in the non-slum area in Brihan Mumbai but has purchased a hutment and	To be deleted.

		therefore got his name also included in electoral roll for the slum area, i.e. he has his name in the electoral roll at two places, he shall not be held eligible for the scheme.	

By order and in the name of the Governor of Maharashtra,

(Rajendra Habde)
Under Secretary to Government.